



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 615	Assembly Amendment 1
<i>Memo published: December 23, 2003</i> <i>Contact: Philip G. Cardis, Staff Attorney (267-0683)</i>	

Under **current law**, the Department of Transportation (DOT) maintains a driving record for every person who possesses a driver's license. When DOT receives notice that a person was convicted of an offense relating to operating certain vehicles while intoxicated or operating certain vehicles with a prohibited blood alcohol concentration, that information is kept permanently in the person's driving record.

2003 Wisconsin Act 30 requires DOT to purge the record of a *first violation* from a driver's record if the person who committed the violation had a blood alcohol concentration between 0.08 and 0.1 at the time of the violation, if the person does not have a commercial driver's license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person does not commit another alcohol-related driving offense during that 10-year period.

Assembly Bill 615 requires DOT to purge a person's driving record of a *first conviction* for operating certain vehicles with a prohibited alcohol concentration after 10 years, if the person does not commit another offense within that time period and if the person does not hold a commercial driver's license or was not operating a commercial motor vehicle at the time of the violation.

Assembly Amendment 1 amends the bill in the following manner:

- Requires the purging of OWI-type convictions [under ss. 23.33 (4c) (a) 1. or 2., 30.681 (1) (a) or (b) 1., 346.63 (1) (a) or (b), 350.101 (1) (a) and (b)] of *driving under the influence of an intoxicant and/or a controlled substance which renders a person incapable of safely driving*. The original bill only applied to driving with a prohibited alcohol concentration.
- Includes within the bill violations of a law of a federally recognized American Indian tribe or band within this state in conformity with state law.

- Provides that once a conviction record is purged, it is stricken from the Department of Motor Vehicles record and a *court shall not count a conviction* that has been purged in determining length of revocations, penalties, and prohibited alcohol concentration.

Legislative History

On December 16, 2003, the Assembly Committee on Transportation introduced Assembly Amendment 1 by unanimous consent.

The Assembly Committee on Transportation recommended for adoption Assembly Amendment 1 and passage of the bill, as amended, by a vote of Ayes, 11; Noes, 4.

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